

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

STEVE ABERNATHY, )  
vs. Plaintiff, ) No. 2:11-cv-86-JMS-WGH  
vs. )  
BILL SANDERS, Sheriff of Fountain County, )  
Defendant. )

**E N T R Y**

The plaintiff's motion pursuant to Indiana Code 34-10-1-2 has been considered. In that motion the plaintiff, who is confined at an Indiana prison, seeks the appointment of counsel.

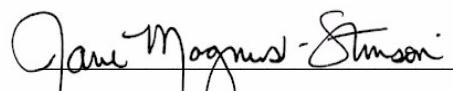
The statute cited by the plaintiff as providing the basis for the relief he seeks is not applicable in federal court. The motion itself, moreover, was not served on counsel for the defendant; this plaintiff is an experienced civil litigant in the federal courts and knows better.

Apart from the foregoing matters, litigants requesting that counsel be recruited must show as a threshold matter that they made a reasonable attempt to secure private counsel. *Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004); *Zarnes v. Rhodes*, 64 F.3d 285, 288 (7th Cir. 1995). The court must deny "out of hand" a request for counsel made without a showing of such effort. *Farmer v. Haas*, 990 F.2d 319, 321 (7th Cir. 1993). The plaintiff's motion makes no reference to having made this effort or of being prevented from doing so.

For all these reasons, therefore, the plaintiff's motion for the appointment of counsel [31] is **denied**.

**IT IS SO ORDERED.**

Date: 08/15/2011



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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